

RECEIVED  
CENTRAL FAX CENTER

MAR 29 2006

Practitioner's Docket No. 0051.00

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Carlos E. SCHULER, et al.

Application No.: 09/731,316

Group No.: 3731

Filed: December 6, 2000

Examiner: Michael G. MENDOZA

For: SYSTEMS AND METHODS FOR TREATING PACKAGED POWDERS

Mail Stop: AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES  
(37 C.F.R. § 1.191)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed October 6, 2005; final rejection of claims 1-18, 21, 23-29, 35-39, 43-49, 61 and 62 are rejected and 19, 20, 22, 30-36, 40-42, 50 and 63 are objected to.

## 1. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

## CERTIFICATION UNDER 37 C.F.R. " 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is *mandatory*;  
*Express Mail certification is optional.*)

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

\_\_\_ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

\_\_\_ with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

\_\_\_ as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

## TRANSMISSION

XX facsimile transmitted to the Patent and Trademark Office. (571) 273-8300.

Date: 29 MAR 2006

Signature



(type or print name of person certifying)

\* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Notice of Appeal from the Primary Examiner to Board—page 1 of 2

PAGE 3/8 \* RCVD AT 3/29/2006 12:08:06 PM [Eastern Standard Time] \* SVR:USPTO-EFAXF-5/13 \* DHIS:2738300 \* CSID:6506206395 \* DURATION (mm:ss):02:50

03/30/2006 EAREGAY1 00000043 500348 09731316

01 FC:1401

500.00 DA

**2. FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. § 41.20(b)(1), the fee for filing the Notice of Appeal is:

Notice of Appeal fee due	\$500.00
--------------------------	----------

**3. EXTENSION OF TERM**

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(3)) for three months:

Fee	\$1,020.00
-----	------------

If an additional extension of time is required, please consider this a petition therefore.

**4. TOTAL FEE DUE**

The total fee due is:

Notice of Appeal fee	\$500.00
Extension fee	\$1,020.00
<b>TOTAL FEE DUE</b>	<b>\$1,520.00</b>

**5. FEE PAYMENT**

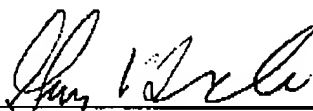
Authorization is hereby made to charge the amount of \$1,520.00 to Deposit Account No. 500348. Charge any additional fees required by this paper or credit any overpayment in the manner authorized above. A duplicate of this transmittal is attached.

**6. FEE DEFICIENCY**

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 500348.

Date: 29 MAR 2006

Reg. No.: 45,302  
Tel. No.: 650-620-5501  
Customer No.: 21968



Signature of Practitioner  
Guy V. Tucker  
Nektar Therapeutics  
150 Industrial Road  
San Carlos, CA 94070